

REMARKS

Claims 23-27 Now stand in the application, claims 12-22 having been canceled and new claims 23-27 Added. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

Claims 12, 16-18 and 21 stand rejected for anticipation by Chikazawa et al (USP 5,818,816). Claims 13 and 19 stand rejected as unpatentable over Chikazawa et al in view of Hata (USP 5,712,847) and in further view of Dempsey et al (USP 5,282,200). Claims 14 and 20 stand rejected as unpatentable over Chikazawa et al in view of Hata. Claim 15 stands rejected as unpatentable over Chikazawa et al in view of Chapman (USP 5,974,027). Claim 22 stands rejected as unpatentable over Hata in view of Dempsey. All rejections are rendered moot by the cancellation of all rejected claims and replacement with new claims 23-?, but the rejections are respectfully traversed insofar as applicable to the new claims.

The invention as disclosed in the present application and as now emphasized in the claims relates to the sending of proper protection words which permit a node to notify an adjacent node of its special condition having performed a ring switch even though it has received a Lockout of Working Channel (LKW) command.

Chikazawa et al does not anticipate claim 23. Applicant disagrees with the interpretation of the examiner with respect to the applicability of the claim language to the signals and events in Chikazawa et al. But it is sufficient to note that the claims now clearly emphasize the operation of the invention whereby a node maintains a switch operation even though instructed

AMENDMENT UNDER 37 C.F.R §1.111
USSN: 10/049,831

not do so so, and then signals to an adjacent node what it has done, i.f., not just that it has switched, but that it has switched in the presence of a switch suppression command. This is not shown or suggested in Chikazawa et al.

Claims 24-27 distinguish over Chikazawa et al due to their dependency on claim 23, but further describe operations that are not suggested in Chikazawa et al.

The remaining references do not teach or suggest the critical features lacking in Chikazawa et al.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

An extension of time is requested, the required fee being separately authorized through the Electronic Filing System (EFS). The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: June 28, 2006

/DJCushing/
David J. Cushing
Registration No. 28,703